

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARJORIE MILLS-DIXON,

Plaintiff(s),

- against -

WHITE CASTLE MANAGEMENT CO.,

Defendants.  
-----X

Civil Action No.:  
08-CV-0973(LAP)

**MANDATORY DISCLOSURE  
PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 26(a)**

Defendant, WHITE MANAGEMENT CO., by its attorneys, SOBEL & KELLY, P.C.,  
pursuant to Federal Rule of Civil Procedure 26(a) makes the following disclosure:

**(A)** the name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

Upon information and belief, set forth below are the names, and if known the telephone numbers and addresses of each individual that the disclosing party may use to support its claims or defenses:

1. **NAMES OF WITNESSES:** Defendant believes that there exist no witnesses among defendant's employees.

**(B)** A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings.

1. **Accident/Incident Report:** None.
2. **Other unidentified Store Employees who may have been a witness (notice of eyewitness) or may testify to Videotape/DVR procedures:** Unknown.

(C) A computation of any category of damages claimed by the disclosing party making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered: None.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(1) **Insurance:** Defendant WHITE CASTLE MANAGEMENT CO. is self insured.

(2) **Disclosure of Expert Witnesses/Testimony:** None retained to date, however, defendant reserves its right to retain an expert witness and make disclosure if and when said expert(s) have been retained.

(3) **Pretrial disclosures** - At this time the defendant does not possess any additional information sufficient to respond to this portion sub paragraph 3 of Rule 26 which has not already been set forth herein.

Dated: Huntington, New York  
February 25, 2008



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SOBEL & KELLY, P.C.  
BY: Curtis Sobel  
Attorney for Defendant  
WHITE CASTLE MANAGEMENT CO.  
464 New York Avenue Suite 100  
Huntington, New York 11743  
(631) 549-4677

TO: MARK B. RUBIN, ESQ.  
Attorney for Plaintiff, MARJORIE MILLS-DIXON  
3413 WHITE PLAINS ROAD  
BRONX, NEW YORK 10467  
(718) 231-1515

DECLARATION OF SERVICE BY MAIL

DECLARATION OF SERVICE BY MAIL

STATE OF NEW YORK )

SS:

COUNTY OF SUFFOLK )

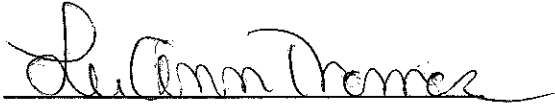
LuANN THOMAS hereby declares, pursuant to 28 U.S.C., Section 1746 and Local Civil Rule 1.10 of this Court, that I am not a party to the action; I am over 18 years of age and reside at Middle Island, NY 11953

On February 25, 2008, I served the within **MANDATORY DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)** by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

TO: MARK B. RUBIN, ESQ.  
3413 WHITE PLAINS ROAD  
BRONX, NEW YORK 10467

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 25, 2008

  
LuANN THOMAS